

Judge Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA
Plaintiff,

v.

MARIO A. MARROQUIN,
Defendant

NO. CR 09-160JLR

**DEFENDANT'S SENTENCING
MEMORANDUM**

**SENTENCING DATE: June 7, 2010
at 9:45am**

I. INTRODUCTION

In June of 2006, the defendant Mario Marroquin was living in Modesto, California with his wife and their three children. He and his family were living in the country legally, having been granted Temporary Protected Status by INS. Mario was working, legally, in the paint manufacturing industry and, through their hard efforts, he and his wife had managed to scrape together enough money for a down payment and were paying a mortgage on their own home.

At that same time, in June of 2006, Humberto Antonio Reyes-Rodriguez (also known as Tony Reyes) was involved in a mortgage fraud/bank fraud scheme with co-defendants Alexis Ikilikyan, William Poff, and Micki S.

1 Thompson that had been going in the state of Washington for 2 years,
2 beginning at least by the middle of 2004.

3 At that time, in June of 2006, out of the blue, Mario Marroquin was
4 contacted by Tony Reyes, whom he had not seen for 17 years, since they were
5 childhood acquaintances in El Salvador. Tony Reyes had apparently tracked
6 Mario down and obtained his phone number through an uncle. After talking
7 about family matters and generally renewing their acquaintance, Tony asked
8 for and obtained the social security numbers of Mario and his wife. Reyes
9 then submitted the social security numbers and learned that Mario and his
10 wife had an excellent credit rating.

11 Very quickly, Reyes convinced Mario and his wife that they should move
12 to Washington State where, Mario was told, Reyes was experiencing great
13 success in the real estate business and where the economy was stronger and
14 the opportunities were greater.

15 Mario trusted Tony Reyes implicitly. Tony Reyes, who was four years
16 older than Mario, had been a preacher in a Youth Church organization in El
17 Salvador that Mario had attended.

18 Mario did not speak or read English. As matters proceeded, Mario
19 simply signed documents (written in English) that were presented and
20 explained to him by Tony Reyes. Later, some documents with Mario's
21 signature were forgeries.

22 Unbeknownst to Mario, Tony created a business called Marroquin
23 Handyman Services and applied for and obtained a business license with the
24 State of Washington. Later, Tony took Mario to a branch of Bank of America

1 and had Mario open a checking account in the name of Marroquin Handyman
2 Services. Mario understood that the money being deposited into the
3 Marroquin Handyman Services bank account was a result of real estate
4 commissions earned by Tony. As Mario understood it, the money was Tony's
5 and Mario disbursed it as directed by Tony.

6 Mario never in anyway produced or was aware of the invoices on
7 Marroquin Handyman Services stationery. Mario only learned of these
8 invoices after he was arrested and reviewed the discovery in this case.

9 At the time of his arrest, Mario made a full statement of his
10 understanding of these matters. Later with counsel, Mario made a complete
11 and truthful proffer to the assistant US Attorneys and the federal agents.

12 **II. GUIDELINES CALCULATION**

13 The defendant concurs in the sentencing guidelines calculation set forth
14 in the PSR filed by probation which entails a Total Offense Level of 13 and a
15 Criminal History Category of I, resulting in an Imprisonment Range of 12 to
16 18 months.

17 **III. DEFENDANT'S SENTENCING RECOMMENDATION**

18 The defendant concurs in the sentencing recommendation made by
19 probation; that is time served with 3 years of Supervised Release with all of
20 the conditions recommended by probation, including 120 days of home
21 detention with electronic monitoring.

22 **VI. DISCUSSION**

23 In its Justification section of the PSI Sentencing Recommendation, the
24 probation office states:

1 Based on the consideration of the government's motion for a
2 downward departure under USSG §5K1.1 and the factors set forth
3 at 18 U.S.C. §3553 (a), the probation officer recommends a sentence
4 of time served, with a three year term of supervised release that
5 includes 120 days of location monitoring. This sentence appears to
adequately reflect the seriousness of the offense and hold the
defendant accountable, while affording an adequate deterrence.

6 In two lengthy letters to the court, Mr. Marroquin attempts to explain to
7 your honor how he feels about becoming involved in this criminal offense. See
8 Exhibit 1 attached to this Sentencing Memorandum.

9 The primary law enforcement officer involved in the investigation and
10 prosecution of this matter, Special Agent Adam Burt, has taken the unusual
11 step of writing a letter of support for the defendant. A copy of Special Agent
12 Burt's letter dated May 28, 2010 is attached as Exhibit 2.

13 As this Court is aware, the government has filed a motion for departure
14 pursuant to USSG. §5k1.1. In this memorandum the government has outlined
15 the usefulness of Mr. Marroquin's cooperation. This is also touched upon in
16 the letter written by Special Agent Burt. The government also noted in its
17 sentencing memorandum, at page 9:

18 Marroquin has denied knowledge of the specific claims in the loan
19 applications, which were prepared by Reyes, and his denials are
20 consistent with other evidence from the investigation showing that
Reyes filled out loan applications without consulting the
purchasers.

21 As your honor is aware, Mr. Marroquin has been on Pretrial Services
22 supervision since June 5, 2009. Mr. Marroquin has been in full and complete
23 compliance with all conditions of release throughout the entire year. Although
24

1 Mr. Marroquin has been constantly seeking employment it has been very
2 difficult to find work given the state of the economy and his limited skills in
3 the English language. We are happy to report that Mr. Marroquin has recently
4 found full-time employment on the night shift, baking bread with the Sara Lee
5 Corporation.

6 Documentation of his past and present employment, and his training
7 with the Carpenters-Employers Apprenticeship and Training, with the El
8 Centro De La Raza—Employment Program, and with the United States Soccer
9 Federation course for soccer coaching are attached as Exhibit 3. Finally,
10 attached as exhibit 4 are copies of some of the academic awards received by
11 his children as mentioned in Mr. Marroquin's letters to the court.
12

13 **VI. CONCLUSION**

14 For all of the reasons set forth above, defense counsel respectfully urges
15 this Court to follow the recommendation of the probation office and sentence
16 defendant Mario Marroquin to time served to be followed by three years of
17 supervised release, including a condition of 120 days home confinement with
18 electronic monitoring.
19

20 Dated this 1st day of June, 2010.

21 Respectfully submitted,
22

23 Bruce D. Erickson
24 W.S.B.A. #2005
25 411 University St., Suite 1200

Seattle, WA 98101
Telephone: (206) 624-1200
Fax: (206) 467-0212
E-mail: brucederickson@hotmail.com